



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

102004

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

MAY 02 2005

In re Application of:
Yoshinobu Ono et al.
Serial No.: 09/977,375
Filed: October 16, 2001
For: 3-5 GROUP COMPOUND SEMICONDUCTOR
AND LIGHT-EMITTING ELEMENT

DECISION ON PETITION

This is a decision on the petition, filed September 27, 2004, and resubmitted January 28, 2005, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failing to timely file the appeal brief¹. A Notice of Abandonment was mailed on July 28, 2004.

Petitioner states that the appeal brief was timely filed on July 19, 2004 as evidenced by a copy of the postcard receipt from the USPTO.

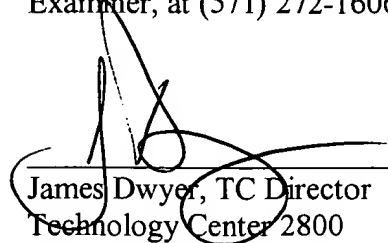
The file record indicates that the appeal brief was timely filed and received on July 17, 2004. The application was not abandoned in fact.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The examiner will consider the appeal brief and take appropriate action.

¹ The Notice of Abandonment incorrectly indicated that the case was held abandoned for failure to respond to the final Office action.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.



James Dwyer, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components